

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED
JUN 11 2021
Matthew J. Hahn
CLERK

IN RE CONTEMPT SANCTIONS AGAINST
DANIEL C. MOSTELER, United States
Marshal for the District of South Dakota,
STEPHEN HOUGHTALING, Chief Deputy
United States Marshal for the District of South
Dakota, JOHN KILGALON, Chief of Staff for
the United States Marshals Service, individually
and in their official capacities.

1:21-MC-00001-CBK

AFFIDAVIT

STATE OF SOUTH DAKOTA
SS:
COUNTY OF BROWN

Richard J. Conklin, M.D., being first duly sworn, on oath deposes and says:

1. I have attached my curriculum vitae, incorporating the same by reference.
2. I believe I would be competent to testify to what is contained in this Affidavit.
3. I am the physician caring for United States District Judge Charles B. Kornmann of Aberdeen, South Dakota. He is 83 years of age and will turn 84 on September 14, 2021. As an 83 year old, he has a high risk of death or hospitalization if he contracts COVID-19, and as such, he should limit his interactions to people who have been vaccinated. For example, he would be 70 times more likely to die from COVID-19 than a 40 year old with no comorbidities.
4. I attach and incorporate by reference an outline of information I located. First, this outline shows the value of vaccines as a general matter. Second, this outline documents the efficacy of Pfizer and Moderna COVID-19 vaccines. Third, the outline

shows the method of transmission of COVID-19. Fourth, the outline shows the methods of prevention of the transmission of COVID-19. Fifth, the outline documents environmental risks associated with increased COVID-19 transmission in spaces that lack sufficient ventilation. Finally, the outline contains a chart shows an age stratified risk of death or hospitalization from COVID-19.

5. More caution is required in buildings and rooms where the ventilation system is poor, which potentially includes the Aberdeen courthouse. The incidence and prevalence of COVID-19 infection has been higher pre-vaccination for cruise ships, nursing homes, and prisons.
6. The data I reviewed shows that ninety-five percent of persons killed by the COVID-19 virus were 50 years of age or older. People who were 85 years or older accounted for 32.1% of all deaths in the United States, even though they were only 2.9% of the total population infected with COVID-19. Persons 75 to 84 years of age accounted for 26.6% of all deaths in the United States, even though they were only 4.3% of the total population infected with COVID-19.
7. Given the efficacy of the Pfizer and Moderna vaccines, the number of deaths possibly could have been decreased by 95 percent.
8. I attach an article I located about the transmission of COVID-19 as it relates to prisoners.

FURTHER AFFIANT SAYETH NOT.

Dated: June 10, 2021

Richard J. Conklin
Richard J. Conklin, M.D.

Subscribed and sworn to before me, the undersigned notary public, this 10 day of June 2021.

Scott W. Lunzman
Notary Public, South Dakota

My comm. Expires: 3-22-2024

